

Judge: SAMUEL J. STEINER
Chapter: 7

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

BRIAN CHANG

Debtor(s).

**MICHAEL B. MCCARTY, as chapter 7
trustee of the bankruptcy estate of
BRIAN CHANG**

Plaintiff,

vs.

BRIAN CHANG

Defendant(s).

No. 10-24739-SJS

Adversary No.

COMPLAINT BY TRUSTEE TO
DENY DISCHARGE UNDER 11
U.S.C. SECTION 727

Michael B. McCarty, the duly appointed Chapter 7 Trustee in the above-captioned
bankruptcy case and the plaintiff in this adversary proceeding, hereby complains as follows:

A JURISDICTION AND VENUE

1.1 This Court has jurisdiction of this action pursuant to 28 U. S.C. §1334, 28 U.S.C.
§157, 11 U.S.C. §727 and general rule 7 of the United States District Court for the
Western District of Washington dated May 22, 1985.

COMPLAINT TO DENY DISCHARGE

Michael B. McCarty, Trustee
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1.2 Venue of this action is proper in this Court by virtue of 28 U. S. C. §1408 because the debtors' principal place of residence is the Western District of Washington.

1.3 This is a core proceeding pursuant to 11 U. S. C. §157(A) and (J).

B. FACTUAL ALLEGATIONS

2.1 On 12/09/2010, BRIAN CHANG and filed a chapter 7 petition in this Court.

2.2 The deadline for filing objections to discharge is March 14, 2011.

2.3 The debtor failed to list all of his assets including funds in a non-retirement account.

2.4 The debtor failed to list all of his creditors.

2.5 The debtor failed to list payments to creditors within 90 days of the filing of the petition.

2.6 The debtor lists only one creditor and the debtor has more creditors.

2.7 The purpose of this bankruptcy was part of an elaborate plan to take \$750,000 from a local bank and transfer the proceeds to the debtor's father. The circumstances of the loan from the bank and the transfer to the father in China and the filing of this bankruptcy create a set of circumstances which lead to the conclusion that the filing of this bankruptcy is fraudulent.

1 2.8 The debtor made certain transfers to relatives immediately prior to the
2 filing of the bankruptcy which were fraudulent, preferential and not disclosed in
3 the schedules or the Statement of Financial Affairs.

4 **III. CLAIMS FOR RELIEF:**

5 3.1 The debtor, with the intent to hinder, delay or defraud a creditor or an offer
6 of the estate has transferred, removed, destroyed, mutilated or concealed---

7 a. Property of the debtor, within one year before the date of filing of
8 the petition;

9 3.2 The debtor has concealed, destroyed, mutilated, falsified, or failed to keep
10 or preserve any recorded information, including books, documents, records, and
11 papers, from which the debtor's financial condition or business transactions might
12 be ascertained unless such act or failure to act;

13 3.3 The debtor has knowingly and fraudulently, in or in connection with the
14 case---

15 A. Made a false oath or account;

16 3.4 The debtor has engaged in a conspiracy to commit fraud and this
17 bankruptcy is a part of that fraud.

18 3.4 Each of the foregoing claims provides a basis for denying the debtor's
19 discharge.

20 **IV. PRAYER FOR RELIEF**

21 The trustee prays that he be granted the following relief:

22 4.1 that the debtor's discharge be denied pursuant to 11 U. S. C. §727; and
23 24 25 26 27 28 29

4.2 that the trustee be granted such other and further relief as the court deems equitable and just, including an award to the trustee of his attorneys fees and costs.

DATED: Mar 12, 2011

/s/ Michael B. McCarty
Michael B. McCarty, WSBA #13162
Chapter 7 Trustee